

DPV
\$

PTO/SB/21 (07-06)

Approved for use through 09/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/690,211-Conf. #2328
		Filing Date	October 21, 2003
		First Named Inventor	James Spitler
		Art Unit	3733
		Examiner Name	M. C. Hoffman
Total Number of Pages in This Submission	8	Attorney Docket Number	(03-001-US1) 65677/P001US/10311263

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Mailing Information Disclosure Statement by Applicant 15 Out of 76 References Cited 2 Return Receipt Postcards
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	FULBRIGHT & JAWORSKI L.L.P.		
Signature			
Printed name	Craig J. Cox		
Date	September 14, 2006	Reg. No.	39,643



Docket No.: (03-001-US1)
65677/P001US/10311263
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
James Spitler et al.

Application No.: 10/690,211

Confirmation No.: 2328

Filed: October 21, 2003

Art Unit: 3733

For: **SYSTEM AND METHOD FOR
STABILIZING OF INTERNAL
STRUCTURES**

Examiner: M. C. Hoffman

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Information Disclosure Statement by Applicant (in place of PTO-1449 Form). It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

A summary/abstract translation of the non-English language references is enclosed except for reference DE 8910080 and DE 9402695 which are not readily available.

25696680.1

09/19/2006 HVUONG1 00000036 10690211

01 FC:1806

180.00 OP

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).


In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Our check in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p) is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2380, under Order No. 65677/P001US/10311263.

Dated: September 14, 2006

Respectfully submitted,

By 

Craig J. Cox

Registration No.: 39,643

FULBRIGHT & JAWORSKI L.L.P.

2200 Ross Avenue, Suite 2800

Dallas, Texas 75201-2784

(214) 855-8000

(214) 855-8200 (Fax)

Attorney for Applicant



Place of PTO-1449		U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	10/690,211
				Filing Date	10/21/2003
				First Named Inventor	Spitler, James
				Art Unit	3733
				Examiner Name	Hoffman, Mary C.
SHEET	1	OF	3	Attorney Docket Number	03-001-US1 (65677/P001US/10311263)

U. S. PATENT DOCUMENTS				
Examiner's Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US2003/0199872	10-23-2003	Markworth, Aaron
		US2004/0049191	03-11-2004	Markworth, Aaron
		US2004/0215190	10-28-2004	Nguyen, Thanh V.
		US2004/0254576	12-16-2004	Dunbar, William L.
		US2004/0276275	12-30-2004	Courmoyer, John R.
		US2005/0070917	03-31-2005	Justis, Jeff R.
		US2005/0080418	04-14-2005	Simonson, Robert E.
		US2005/0090824	04-28-2005	Shluzas, Alan E.
		US2005/0131419	06-16-2005	McCord, David
		US2005/0131420	06-16-2005	Techiera, Richard C.
		US2005/0131421	06-16-2005	Anderson, David Greg
		US2005/0131422	06-16-2005	Anderson, David Greg
		US2005/0137593	06-23-2005	Gray, Eric L.
		US2005/0149036	07-07-2005	Varieur, Michael S.
		US2005/0149053	07-07-2005	Varieur, Michael S.
		US2005/0154389	07-14-2005	Selover, Sean P.
		US2005/0171540	08-04-2005	Lim, Roy
		US2005/0171549	08-04-2005	Boehm, Jr., Frank H.
		US2004/0260287	12/23/2004	Ferree, Bret A.
		US2005/0149023	07/07/2005	Ritland, Stephen

FOREIGN PATENT DOCUMENTS					
Examiner's Initials	Cite No.	Foreign Patent Document (Country Code - Number - Kind)	Publication Date MM-DD-YYYY	Patentee or Applicant of Cited Document	Translation Y/N
		WO2003/026523	11/10/2005	Kyphon, Inc.	N
		WO2005/104970	04/03/2003	Ritland, Stephen	N
		WO98/48717	11/05/1998	Villaret, Bernard	N
		WO02/24087 A1	03/28/2002	Kalaitzis, Christos	N
		WO2005/110257 A1	11/24/2005	Fortin, Frederic	N
		DE8910080	12/07/1989	ZL Microdent-Attachment GmbH	N

NON-PATENT LITERATURE DOCUMENTS		
Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume- issue number(s), publisher, city/country where published

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

In place of PTO-1449 Form SEP 18 2006 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	
		Complete if Known	
		Application Number	10/690,211
		Filing Date	10/21/2003
		Applicant(s)	Spitler, James
		Art Unit	3733
		Examiner Name	Hoffman, Mary C.
		Attorney Docket Number	03-001-US1 (65677/P001US/10311263)
SHEET	2	OF	3

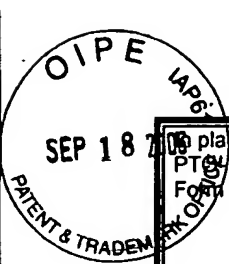
U. S. PATENT DOCUMENTS				
Examiner's Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US2003/0153911	08/14/2003	Shluzas, Alan E.
		US2004/0176766	09/09/2004	Shluzas Alan E.
		US6,530,929	03-11-2003	Justis, Jeff R.
		US4,361,141	11/30/1992	Tanner, Gary D.
		US4,433,677	02/28/1984	Ulrich, Max B.
		US4,719,905	01/19/1988	Steffee, Arthur D.
		US4,771,767	09/28/1988	Steffee, Arthur D.
		US4,950,269	08/21/1990	Gaines, Jr., Robert W.
		US5,042,982	08/27/1991	Harms, Jurgan
		US5,207,678	05/04/1993	Harms, Jurgan
		US5,330,472	07/19/1994	Metz-Stavenhagen, Peter
		US5,375,823	12/27/1994	Navas, Fernand
		US5,387,213	02/07/1995	Breard, Francis H.
		US5,409,488	04/25/1995	Ulrich, Heinrich
		US5,425,732	06/20/1995	Ulrich, Heinrich
		US5,468,241	11/21/1995	Metz-Stavenhagen, Peter
		US5,480,440	01/02/1996	Kambin, Parviz
		US5,486,174	01/23/1996	Foumet-Fayard
		US5,536,268	07/16/1996	Griss, Peter
		US5,540,688	07/30/1996	Navas, Fernand

FOREIGN PATENT DOCUMENTS					
Examiner's Initials	Cite No.	Foreign Patent Document (Country Code - Number - Kind)	Publication Date MM-DD-YYYY	Patentee or Applicant of Cited Document	Translation Y/N
		DE9402695	05/26/1994	Kerforschungszentrum Karlshure GmbH	N
		FR2697428	09/12/1997	Alby, Albert P.	N
		FR2698533	06/03/1994	Alby, Albert P.	N
		FR2775583	08/11/2000	Moreno, Pierre Ange	N
		FR2795622	09/28/2001	Vanacker, Gerard	N
		GR1003754	01/15/2002		N

NON-PATENT LITERATURE DOCUMENTS		
Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city/country where published

Examiner Signature	Date Considered
--------------------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.



Place of PTG 1449 Form		U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/690,211
				Filing Date	10/21/2003
				Applicant(s)	Spitler, James
				Art Unit	3733
				Examiner Name	Hoffman, Mary C.
				Attorney Docket Number	03-001-US1 (65677/P001US/10311263)
SHEET	3	OF	3		

U. S. PATENT DOCUMENTS				
Examiner's Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US5,569,246	10/29/1996	Ojima, Satoshi
		US5,571,102	11/05/1996	Cavagna, Remi
		US5,607,425	03/04/1997	Rogozinski, Chaim
		US5,704,936	01/06/1998	Mazel, Christian
		US5,716,357	02/10/1998	Rogozinski, Chaim
		US5,904,682	05/18/1999	Rogozinski, Chaim
		US5,961,516	10/05/1999	Graf, Henry
		US5,984,923	11/16/1999	Breard, Francis Henri
		US6,010,504	01/04/2000	Rogozinski, Chaim
		US6,017,343	01/25/2000	Rogozinski, Chaim
		US6,273,914	08/14/2001	Papas, Gary R.
		US6,296,644	10/02/2001	Saurat, Jean
		US6,488,682	12/03/2002	Kikuchi, Shinichi
		US6,749,613	06/15/2004	Conchy, Frederic
		US6,802,844	10/12/2004	Ferree, Bret A.
		US6,932,822	08/23/2005	Oribe, Kazuya
		US5,496,321	03/05/1996	Puno, Rolando M.
		US6,979,334	12/27/2005	Dalton, Brian E.
		US2005/0277919	12/15/2005	Slivka, Michael A.
		US2005/0107788 A1	05/19/2005	Beaurain, Jacques
		US2008/0283244	12/22/2005	Gordon, Charles R.

FOREIGN PATENT DOCUMENTS					
Examiner's Initials	Cite No.	Foreign Patent Document (Country Code - Number - Kind)	Publication Date MM-DD-YYYY	Patentee or Applicant of Cited Document	Translation Y/N
		WO2005/117731 A1	12/15/2005	Burke, John	N
		WO2005/122926 A1	12/29/2005	Zimmer Spine, Inc.	N
		WO2005/122930 A2	12/29/2005	Zimmer Spine, Inc.	N

NON-PATENT LITERATURE DOCUMENTS		
Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city/country where published

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.



Effective on 12/09/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

Complete if Known

Application Number	10/690,211-Conf. #2328
Filing Date	October 21, 2003
First Named Inventor	James Spittler
Examiner Name	M. C. Hoffman
Art Unit	3733
Attorney Docket No.	(03-001-US1) 65677/P0011US/10311263

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☐ Deposit Account Deposit Account Number: 06-2380 Deposit Account Name: Fulbright & Jaworski L.L.P.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims Extra Claims Fee (\$) Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims

Fee (\$) Fee Paid (\$)

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)
- 100 = /50 (round up to a whole number) x =

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement 180.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	39,643	Telephone	(214) 855-7142
Name (Print/Type)	Craig J. Cox	Date	September 14, 2006		



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/92 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Application No. : 10/690,211

Attorney Docket No.: (03-001-US1)
65677/P001US/10311263

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on September 14, 2006
Date

Signature

Scott Matthews

Typed or printed name of person signing Certificate

N/A

Registration Number, if applicable

(214) 855-7415

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Certificate of Mailing (1 page)
Transmittal (1 page)
Information Disclosure Statement (2 pages)
Information Disclosure Statement by Applicant (3 pages)
Fee Transmittal (1 page)
15 Out of 76 Cited References
Check in the amount of \$180.00
2 Return Postcards